



**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR PROPOSALS
Job Order Contracting (JOC) System Services for NYSDOT
Contract #C038061
Questions and Answers**

Q1: Regarding Section 4.5:

The schedule for the tasks, in my opinion, is totally not logical!!

You have to ask these tasks after one year!!

Companies that commit to these schedules will not complete the mission on time. Or just copy them for other place without to adjust them to the specific conditions.

Ans: Within 60 days of the consultant contract award, the Consultant shall deliver their unit price book catalog so advertising can start for individual JOC construction contracts using the unit price book. Within 90 days (close to award) of that advertisement, the Consultant shall provide access to the web-based system and train Department/Contractor staff so the JOC construction contract can be awarded. If we wait for one full year after the Consultant gets on board, a full year would be lost that we would have been able to advertise and award JOC construction contracts. The Consultant must hit the ground running once the contract is executed.

Q2: Section 2.2 requires 5% MBE participation, 10% WBE participation and 6% SDVOB participation for this solicitation. Proposer's proprietary software and data, and ongoing support are provided entirely with in-house resources and there are no subcontracting opportunities available under the scope of work as set forth in the RFP. Proposer's JOC system will enable NYS DOT to implement and track M/WBE participation goals for the JOC construction contracts and monitor M/WBE goals program wide. Will NYSDOT allow proposers to submit a request for waiver of the MBE/WBE/SDVOB goals for this solicitation in place of Attachment 11?

Ans: Yes, a proposer may submit a request for a waiver, with their proposal, if the advertised goal(s) cannot be met. The proposer must provide documentation of its GFE to meet the goal as per 5 NYCRR Section 142.8. See attached GFE documentation guide. Failure to provide adequate documentation of GFE may result in a finding of non-responsiveness and or non-responsibility.

Q3: Regarding Section 5.2.2.b Acceptance of Contract Terms and Conditions, Gordian requests that the requirement of no exceptions to the contract terms be revised to, at minimum, allow commercially reasonable exceptions to the insurance provisions of the draft contract. Some of the insurance provisions in Section 13 of the draft contract (e.g., notice, priority of coverage,



deductibles, etc.) are not in line with industry standards and/or are beyond what is reasonably necessary to protect against the risk present by the work. Assuming it is even possible to procure separate insurance policies that meet these requirements, requiring offerors to procure separate insurance policies to meet these requirements will certainly increase the price of the services offered with little benefit to the State.

Ans: Terms and conditions of the Draft Contract are not subject to negotiation.

Q4: Again, Section 5.2.2.b, states that “[n]o exceptions to any of the draft contract’s terms and conditions will be entertained by NYSDOT.” However, Article 23 of the draft contract terms (Attachment 1) is in conflict with licensing of proprietary software and data. Proposer requests that NYSDOT enable proposers to include contract exceptions within the proposal or confirm that the final terms and conditions of any contract resulting from this solicitation will be as negotiated between NYSDOT and the successful proposer.

Ans: Terms and conditions of the Draft Contract are not subject to negotiation.

Q5: Regarding Attachment 17, Task 2 requires "installing and testing" of the JOC system and a web-based management and information system on "both NYSDOT and Consultant hardware systems." A web-based system does not require installation and testing on hardware systems as it is accessible via login from any internet-enabled device. Proposer seeks clarification that NYSDOT seeks a web-based information management application and not an installed software application.

Ans: Yes, NYSDOT requires a web-based information management application and not an installed software application but will require testing and support to ensure there are no issues with NYSDOT or a Contractor’s permissions, connectivity, firewalls, etc. that may prohibit connection to the web-based application.

Q6: There appear to be some discrepancies in sections required for Part I shown in section 1.3 when compared to section 5.1. For example, 1.3.1 has Organization and Staffing before Experience while 5.1 has Experience before Approach to Scope of Services. Which section should be used to structure our response?

Ans: Proposers must use the Technical and Management Proposal Submission Checklist at the beginning of the RFP for proposal submission. The submissions must be in the checklist order.

Q7: Section 5.2 has the Cost proposal first in Part II but section 2 appears to have it at the end. Should section 5.2 be used to structure our response?

Ans: Proposers must use the Cost and Administrative Cost Checklist at the beginning of the RFP for proposal submission. The submissions must be in the checklist order.